

EXHIBIT C

VIRGINIA: IN THE CIRCUIT COURT FOR ROANOKE COUNTY

ALLSTATE INDEMNITY COMPANY
as subrogee of ANTHONY and KAREN AYERS,

Plaintiff,

v.

Case No.: CL 19000396

AIR VENT, INC.,
Serve: State Corporation Commission

Defendant.

COMPLAINT

NOW COMES the Plaintiff, Allstate Indemnity Company, as subrogee of Anthony Ayers and Karen Ayers, by counsel, and for its cause of action against the Defendant, Air Vent, Inc., states as follows:

1. Allstate Indemnity Company (hereinafter referred to as "Allstate") maintains this action in the names of Anthony Ayers and Karen Ayers pursuant to Va. Code § 38.2-207.
2. Plaintiff is now and was at all times mentioned herein a property and casualty Insurance carrier qualified to do and doing business in the Commonwealth of Virginia, and insured the hereinafter described residential dwelling owned by its insureds, Anthony Ayers and Karen Ayers.
3. At all times relevant hereto, Anthony Ayers and Karen Ayers were resident citizens of the Commonwealth of Virginia and owned and lived in their residence located at 4405 Pennsylvania Avenue NE, Roanoke, Virginia 24019.
4. Air Vent, Inc. (hereinafter referred to as "Air Vent") was at all times mentioned herein a Delaware Corporation, and was doing business in the Commonwealth of Virginia.

5. Plaintiff's insureds, Anthony Ayers and Karen Ayers had an Air Vent attic fan, model WCGA, installed in the attic of their aforementioned residence.

6. The aforesaid attic fan was thereafter used only in the usual and ordinary expected manner.

7. Prior to the installation date in 2006, Defendant Air Vent negligently designed, manufactured, assembled, inspected, tested, labeled, marketed, imported, distributed and/or sold the aforesaid attic fan in such a manner as to render it unreasonably defective for its ordinary and foreseeable uses.

8. The said attic fan was designed, manufactured, marketed, distributed and/or sold by Defendant Air Vent in an unreasonably dangerous and defective condition.

9. On or about March 8, 2016, the said attic fan ignited as the direct and proximate result of its unreasonably defective design and manufacture, resulting in a catastrophic fire, which caused substantial damage to the Ayers residence, furnishings and other personal property therein.

10. The attic fan failed because of a manufacturing defect with the original factory wiring which resulted in an electrical fault on the branch circuit conductors between the thermostat and the fan housing which then caught the insulation and wood framing in the attic on fire.

11. As a direct and proximate result of the Defendant Air Vent's defective product catching fire, the aforementioned residential dwelling of the Ayers was damaged as aforesaid on March 8, 2016.

12. At the aforesaid time and place, Anthony Ayers and Karen Ayers were the named insureds under the terms of a homeowners' insurance policy, which policy had been issued to them by Allstate Indemnity Company.

13. Pursuant to its property and casualty insurance contract with its insureds, Anthony Ayers and Karen Ayers, Plaintiff arranged for and paid for the repair of the aforesaid damages to the aforesaid residence in the amount of \$103,507.12 for all of which it is entitled to subrogation against Defendant Air Vent.

14. Plaintiff demands a trial by jury.

WHEREFORE, the Plaintiff moves this Honorable Court for a judgment against Air Vent, Inc. for the sum of \$103,507.12 plus court costs incurred and interest from March 8, 2016, together with any further relief this Honorable Court deems proper and just.

ALLSTATE INDEMNITY COMPANY
as subrogee of ANTHONY AYERS
and KAREN AYERS



By Counsel

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